



**Policy, Finance and
Development
Committee**

**Tuesday 27th
October 2015**

Matter for Decision

Title: **Asset of Community Value Nomination for The Cow and Plough,
Stoughton Park, Gartree Road, Oadby, LE2 2FB**

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1. Introduction

- 1.1 The Localism Act (2011) and the Assets of Community Value (England) Regulations (2012) set out the opportunities and procedures to follow for communities wishing to identify assets of community value and have them listed.
- 1.2 A nomination has been received from Leicester Campaign for Real Ale (CAMRA) to list The Cow and Plough as an Asset of Community Value. This report provides an overview of the application that has been submitted by Leicester CAMRA and a summary of the regulations that must be considered to inform the Council's decision.

2. Recommendations

- 2.1 It is recommended that, subject to there being no representations received that would alter this recommendation, Members agree that the Nominated Asset (The Cow and Plough, Stoughton Park, Gartree Road, Oadby, LE2 2FB) should be confirmed as an Asset of Community Value on the basis that the nomination has been made by a qualifying community group and that the nominated asset "furthers the social wellbeing or social interests of the local community" and therefore, include the asset on the Council's Local List of Assets of Community Value Register and to place the asset on the Local Land Charge Register.

3. Information

Background to the Community Right to Bid

- 3.1 The Localism Act 2011 ("the Act") and the Assets of Community Value (England) Regulations 2012 introduce a new right for groups of local people to nominate buildings or pieces of land which contribute to the "social wellbeing or social interests" of their local communities to be listed on a register of Assets of Community Value ("ACVs"), which the local authority is required to maintain.
- 3.2 Nominations can apply to public or private assets, although there are certain exemptions, including private homes.
- 3.3 The statutory tests which the Council must apply when assessing a nomination are:
 - (i) Its main use furthers the social wellbeing or cultural, recreational or sporting interests of the local community; and it is realistic to think that the main use will continue to further the social wellbeing or cultural, recreational or sporting interests of the local community; or,

(ii) Where the main use does not currently have such a community benefit, in the “recent past” it did have and the Council considers it likely that it would be able to have such a use in the next 5 years.

(iii) That the nomination is a community nomination made by a community or voluntary organisation or group which qualifies under the Act to make the nomination.

- 3.4 Where either criterion i) or ii), and criterion iii) of the above is met, the Council must list the land or building on its register of Assets of Community Value.
- 3.5 If the Council lists the nominated land, a restriction is placed on the land if the land is registered. If the owner wishes to sell the asset or to lease it for more than 25 years, then the owner is legally obliged to notify the Council. At this point, the Council will then need to inform the nominating group which signals an interim moratorium period of six weeks where the nominating group or any other eligible community group may register an interest in bidding for the asset. If during the six weeks a local community group expresses an interest in taking on the asset and continuing its community use, then the sale is delayed for a six month period. This is designed to give the community group the opportunity to raise funds to try to purchase the asset at market value.
- 3.6 The owner is under no obligation to accept the community’s bid over any other bid. There is no ‘right of first refusal’ for the community group, only the right to request the moratorium. The owner is free to work with other potential buyers and stimulate the wider market during the moratorium.
- 3.7 The Act therefore has little or no impact unless an asset is being put up for sale or long term lease and local feeling about it is strong enough that local people have a constituted group in place to put in a proposal to buy it. Even if all these conditions are in place, the limitation is only the six month delay, after which the owner can sell the asset to whomever they wish.
- 3.8 If an asset is listed, the asset owner has the right to appeal against this, initially through an internal review process and subsequently through an appeal to the First Tier Tribunal. The Council may be liable for costs associated with this and/or costs incurred to a property owner or former owner through loss or expense as result of the land being listed as an asset of community value.
- 3.9 If an asset is not listed, the Council must communicate its reasoning to the nominating group but the nominating group has no right to appeal against the decision.

Recent Planning Policy Developments

- 3.10 As of April 2015, changes to the Town and Country Planning General Permitted Development Order (2015) covering permitted development rights (development where planning permission is not required) now mean that to demolish or change a building within class A4 use (drinking establishments) to an A1 (shop), A2 (financial and professional services) or A3 (restaurants and cafes) do not apply to buildings listed (or nominated) as an Asset of Community Value. Therefore, to convert a public house to one of the other uses listed above would no longer be deemed as permitted development and would now require planning permission.

Nomination

- 3.11 Leicester CAMRA, declaring themselves as a ‘Company Limited by Guarantee’ submitted an application to nominate The Cow and Plough, Stoughton Park, Gartree Road, Oadby, LE2 2FB

for inclusion as an Asset of Community Value on Friday, 9 October 2015. A plan indicating the nominated buildings is attached to this report.

3.12 Leicester CAMRA submitted the following information with their application:

- List of Assets of Community Value Nomination Form
- Land Registry Property Register and Plan
- Private Company Limited by Guarantee Article of Association of Campaign for Real Ale Limited
- Supporting evidence to accompany the application, including a list of ‘Awards for the Cow and Plough’ and a ‘Supporting Statement’ giving further background to the role of the business in the local community.

3.13 As part of their nomination, Leicester CAMRA’s supporting evidence suggested that the Cow and Plough should be placed on the Council’s Local List of Assets of Community Value Register because in summary:

“The pub provides the following services which further the social wellbeing and interests of the local community:

- *Local sport teams meet in the pub*
- *The pub sponsors Oadby Owls Football Club;*
- *Local sports teams meet in the pub, including various football, rugby and cricket teams.*
- *This is the only pub in the village*
- *A local beer festival offering a range of local beers is hosted by the pub*
- *The pub has a great food menu enjoyed by the local community*
- *The pub hosts advertising for local events*
- *The pub offers a dart board*
- *Live music events are often hosted at the pub*
- *Local community groups and charities meet in the pub, including numerous networking groups*
- *The present license holders [Steamin’ Billy Brewing Company Limited] have been in occupation for 25 years; and,*
- *Over the last five years, the Cow and Plough has raised over £50,000 for local charities.*
- *They pride themselves on being family friendly, mixing comfort with tradition;*

This is the nearest pub to the village of Stoughton, with good footpath links, and the only pub on the fringe area of Oadby and the city of Leicester. It hosts many functions including weddings and funerals for the local community. It hosts fundraising events for the “Wooden Spoon” charity.

The pub has special value to local heritage and culture which should be protected as it hosts weekly jazz lunchtime sessions, which have a great loyal following and the pub is also a conversion of historic farm buildings”.

Timescale for Determining the Nomination

3.14 The Council must decide whether or not to list the nomination as an Asset of Community Value within 8 weeks of receiving the nomination. Leicester CAMRA’s nomination was received by the Council on Friday, 9 October 2015 and therefore, a decision on this nomination must be taken by Friday, 4 December 2015.

3.15 On Wednesday, 14 October 2015, the Council sent a letter to acknowledge receipt of the application to Leicester CAMRA, as well as letters to the freeholder [Rochpion Properties, c/o

Co-operative Group] and the leaseholder [Steamin' Billy Brewing Company Limited] of the property.

Assessment of Nomination

- 3.16 The Council must consider the statutory tests as set out in paragraph 3.3 of this report and determine whether either criterion i) or ii), and criterion iii) of the tests is met by this nominated asset.
- 3.17 The groups and events that frequent the pub as a meeting place for their activities play a role in strengthening the community and thus there is community value in a venue which provides somewhere for people to meet.
- 3.18 The Cow and Plough is the only pub in this part of the Borough and although the pub is in north Oadby, it also serves as a pub for the villages of nearby Stoughton (Harborough District) and Evington (Leicester City). Therefore, it provides a place for the surrounding local community to come together.
- 3.19 Steamin' Billy Brewing Company Limited is the current occupant of the Cow and Plough and they have been the license holder for the last 25 years.
- 3.20 Leicester CAMRA has provided evidence as part of their application that demonstrates that The Cow and Plough is an established business and therefore it is realistic to think that the main use does and will continue to "further the social wellbeing and interests of the local community", thus satisfying criterion (i) of the statutory tests.
- 3.21 Leicester CAMRA is eligible to make a nomination as a 'private company limited by guarantee', thus satisfying criterion (iii) of the statutory tests, also.

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Implications	
Legal	<p>The Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 require a local authority, to maintain a list of buildings and other land in its area that are Assets of Community Value and ensure that when such land is to be sold, local community groups have the opportunity to delay the sale to enable them to prepare a bid to buy it. The owner of the asset has a right to claim compensation attributable to the listing.</p> <p>There may be on-going legal implications to manage the Assets of Community Value Register in this Borough in relation to future nominations and reviews of existing assets.</p>
Financial	<p>Property owners, and former owners, who believe they have incurred loss or expense as a result of their land being listed as an ACV may be able to claim compensation from the Council. The DCLG Community Right to Bid: Non-Statutory advice note for local authorities (2012) states that central government will meet the costs of compensation payments paid by local authorities of over £20,000 in a financial year (either for a single claim or a number of smaller claims).</p>
Equalities	<p>An equality impact screening assessment has been carried out and there are no equality and diversity implications arising</p>

	from this report.
Risk	<p>CR1: Decreasing Financial Resources Property owners, and former owners, who believe they have incurred loss or expense as a result of their land being listed as an ACV may be able to claim compensation from the Council. The DCLG Community Right to Bid: Non-Statutory advice note for local authorities (2012) states that central government will meet the costs of compensation payments paid by local authorities of over £20,000 in a financial year (either for a single claim or a number of smaller claims).</p> <p>CR6: Regulatory Governance The Council has not previously received an application to nominate an Asset of Community Value in the Borough and therefore, the authority does not have an adopted procedure in place. Therefore, the authority is determining this ACV nomination on the basis of The Localism Act 2011; The Assets of Community Value (England) Regulations 2012; and, DCLG's Community Right to Bid: Non-Statutory advice note for local authorities (2012). Consideration should be given to preparing a locally adopted policy.</p>

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